

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION

JESSICA JAYASI,
Plaintiff,

v.

UNITED STATES OF AMERICA,
Defendant.

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Civil Action No. 2:22-cv-00012

PLAINTIFF'S ORIGINAL COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES JESSICA JAYASI, hereinafter referred to as "Plaintiff", complaining of and about the UNITED STATES OF AMERICA, hereinafter referred to as "Defendant", and for cause of action would respectfully show onto the Court as follows:

A. Parties

1. Plaintiff, JESSICA JAYASI, an individual, was a resident of Eagle Pass, Maverick County, Texas at the time of the incident made the basis of this lawsuit.

2. Defendant, UNITED STATES OF AMERICA, may be served with process by sending a certified copy of the summons and of this complaint by certified mail to each of the following individuals:

- Ms. Ashley C. Hoff, United States Attorney for the Western District of Texas, 601 NW Loop 410, Suite 600, San Antonio, Texas 78216;
- Mr. Merrick B. Garland, Attorney General of the United States, Department of Justice, 950 Pennsylvania Avenue, N.W., Washington, D.C. 20530; and

Service of process on these individuals is requested at this time.

B. Jurisdiction

3. The Court has jurisdiction over the lawsuit under 28 U.S.C. §1346(b) because the suit involves a claim against the United States for property damage and personal injury caused by the negligent act of a government employee while acting within the scope of his employment.

C. Venue

4. Venue is proper in this district under 28 U.S.C. § 1402(b) because the acts or omissions complained of occurred in this district.

D. Conditions Precedent

5. Plaintiff timely presented this claim in writing to the UNITED STATES OF AMERICA and/or United States Postal Service. This suit is filed within six months after the agency's rejection of Plaintiff's final offer to resolve the claim.

E. Facts

6. On July 23, 2021, Plaintiff suffered personal injuries when she was involved in a motor vehicle accident with a vehicle owned by the United States Postal Service ("USPS") and driven by ANTHONY RODRIGUEZ, the agency's employee who was acting in the course and scope of his employment with USPS.

7. On the date in question, Plaintiff was traveling on Monroe Street in Eagle Pass, Texas when ANTHONY RODRIGUEZ, who was operating a USPS vehicle, entered the roadway and struck the passenger side of Plaintiff's vehicle.

F. Federal Tort Claims Act

8. ANTHONY RODRIGUEZ was an employee of Defendant and was acting in the

course and scope of his office or employment at the time of the motor vehicle collision. ANTHONY RODRIGUEZ was negligent at the time of the accident. ANTHONY RODRIGUEZ had a duty to exercise ordinary care and operate Defendant's motor-driven equipment reasonably and prudently. ANTHONY RODRIGUEZ breached this duty in the following ways:

- (a) Failing to maintain a proper lookout.
- (b) Failing to maintain his vehicle in a single lane of traffic.
- (c) Failing to turn his vehicle in an effort to avoid the collision.
- (d) Failing to yield the right of way.

9. Under the laws of the State of Texas, a private person would be liable to Plaintiff for this act. Under 28 U.S.C. § 2674, the UNITED STATES OF AMERICA is liable to Plaintiff for the property damage to her vehicle and the personal injuries she suffered as a result of the crash.

G. Damages

10. As a direct and proximate result of the negligence of Defendant's employee, Plaintiff suffered the following injuries and damages:

- a. Physical pain and mental anguish in the past and future.
- b. Physical impairment in the past and future.
- c. Medical expenses in the past and future.
- d. Loss of household services in the past and future.
- e. Property damage to her vehicle.

H. Prayer

11. For these reasons, Plaintiff asks that Defendant UNITED STATES OF AMERICA be cited to appear and that after trial, the Court award Plaintiff judgment against Defendant for the following:

- a. Actual damages
- b. Prejudgment and postjudgment interest
- c. Costs of suit

d. All other relief, in law or equity, the Court deems appropriate

Respectfully submitted,

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